

**CERTIFICATE OF MAILING UNDER 37 CFR 1.8**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on April 18, 2005.

*Sue Bromaghim*

April 18, 2005

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DEPARTMENT OF COMMERCE  
U.S. PATENT AND TRADEMARK OFFICE

2005 APR 18 3 2005

**CUSTOMER NO. 36257****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants: Khandker N. QUADER et al.

Title: Method and System for Programming and  
Inhibiting Multi-Level, Non-Volatile Memory Cells

Application No.: 10/809,571 Filing Date: March 24, 2004

Examiner: Nam Thanh NGUYEN Group Art Unit: 2824

Docket No.: SNDK.270US1 Conf. No.: 7999

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**TERMINAL DISCLAIMER TO OBVIATE A PROVISIONAL  
DOUBLE PATENTING REJECTION OVER A PENDING  
SECOND APPLICATION**

Sir:

Petitioner, SanDisk Corporation, a Delaware corporation having a place of business at 140 Caspian Court, Sunnyvale, CA 94089, is the owner of the entire interest in the instant application. Petitioner hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer filed prior to the grant of any patent granted on pending second Application Number 10/025,749, filed on December 18, 2001. Petitioner hereby agrees

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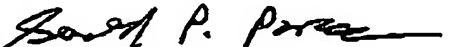
that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the second application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, Petitioner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of any patent granted on the second application, as shortened by any terminal disclaimer filed prior to the patent grant, in the event any such patent granted on the second application: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

Further, in making this disclaimer, no determination has been made as to whether there is merit as to any double patenting rejection; this is merely to expedite prosecution of the instant application.

In compliance with 37 C.F.R. §1.20(d), the Commissioner is authorized to charge the fee of \$130 to Deposit Account No. 502664 for this Terminal Disclaimer as set forth in the enclosed transmittal letter.

Respectfully submitted,

  
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Gerald P. Parsons  
Reg. No. 24,486

April 18, 2005  
Date

PARSONS HSUE & DE RUNTZ LLP  
655 Montgomery Street, Suite 1800  
San Francisco, CA 94111  
(415) 318-1160 (main)  
(415) 318-1163 (direct)  
(415) 693-0194 (fax)

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